



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 6, 1999, 8:00 p.m.

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Mayor Cooper.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Business Recognition Award

The Business Recognition Award was presented to Bobby Lee's Country Smokehouse, located at 850 Sycamore Avenue. Bobby Lee's Country Smokehouse provides superior barbecue, marinated meats and sausages. Bobby Lee Kimmel first discovered Hayward in 1944 when he worked weekends at the Hunt's Cannery. In 1960, he chose Hayward to start his business and owned and managed the meat department in Russell's Supermarket. When Russell's moved, Bobby Lee stayed and expanded into the entire building, selling wholesale meats to many restaurants in the Bay Area. By 1968, the wholesale meat industry changed when fast food restaurant chains established their own supply houses, so Bobby Lee shifted his business to include sausages. In 1977, he invested \$150,000 in equipment for his smokehouse and worked five years to develop his special "potions" for marinating his meats. Today, he produces 54 products ranging from Cajun sausage to marinated chicken. He sells 25,000 pounds of sausage and 6,000 pounds of his marinated Tri-Tip per month. These are his best selling products. Some of the restaurants in Hayward that use his products include Buffalo Bills BrewPub and Rue de Main. He is also very active in community events, contributing food to the Volunteer Litter Pick-up and Barbecue, the Business Expo, the Dare Program, Little League, and high school basketball games. This award was presented to Bobby Lee's Country Smokehouse in recognition of its contribution to the vitality and economic well being of our community by operating in Hayward for 39 years and participating in many charitable causes.

PRESENTATION BY: Friends of the Hayward Public Library

Noreen Hulteen, President of the Friends of the Hayward Public Library, presented a check to the City for \$100,000 to begin the expansion of the Weekes Branch Library through the Project Legacy Committee. Also present were Alice Pappas and Helen Weekes. Mayor Cooper accepted the check on behalf of the Council and commended former Mayor Emeritus John Pappas for his community contributions.

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PUBLIC COMMENTS

Mr. Ahluwalia, 25190 Cypress Avenue, #335, discussed the problem seniors have in crossing to the bus stop on Jackson. He suggested it be moved to the east side of the street near Walgreens. He submitted a diagram with his suggestions. Mayor Cooper asked staff to review the issue.

Ted Crowtow, 6013 Acadia Court, Pleasanton, asked that Mr. Kinkade speak for him.

Robert Kinkade, 2001 Duval Lane, discussed neighborhood problems created by both residents and service providers at the Human Outreach Agency on Flagg Street.

Jason Moreno, 25200 Carlos Bee Boulevard, noted that a meeting regarding the proposed Home Depot is scheduled for Wednesday, July 7, at Centennial Hall.

Leonard Freitas, 21772 Westfield Avenue, described a traffic incident that occurred recently and his discussion with a police officer afterwards.

Velvia Long, 2640 Randall Way, gave the history of the American flag and reported that there is a correct manner to recite the Pledge of Allegiance.

CONSENT

1. Approval of Minutes of the Meeting of the Special Joint Meeting of the City Council/Redevelopment Agency of June 22, 1999

It was moved by Council/RA Member Henson, seconded by Council/RA Member Hilson, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of June 22, 1999.

2. Clawiter/Breakwater Traffic Signal: Authorization for Execution of a Cooperative Cost Sharing Agreement with the State and for the Execution of a Professional Services Agreement

Staff report submitted by Deputy Director of Public Works Bauman, dated July 6, 1999, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-113, "Resolution Authorizing the City Manager to Execute an Agreement with Kimley-Horn and Associates, Inc.



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for Professional Services in Connection with the Clawiter Road/Breakwater Court Traffic Signal, Project No. 5707"

Resolution 99-114, "Resolution Authorizing the City Manager to Execute a Cooperative Cost Sharing Agreement with Caltrans in Connection with the Clawiter Road/Breakwater Court Traffic Signal, Project No. 5707"

3. Drug Abuse Prevention Program – Suppression of Drug Abuse in Schools Program

Staff report submitted by Administrative Analyst Blohm, dated July 6, 1999, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-115, "Resolution Authorizing the City Manager to Execute an Agreement with the Office of Criminal Justice Planning for the Drug Abuse Prevention Program"

Resolution 99-116, "Resolution Amending Resolution 99-108, as Amended, the Budget Resolution for Fiscal Year 1999-2000, Relating to a Supplemental Appropriation of Funds for the Drug Abuse Prevention Program"

4. Adoption of Positions and Salaries Resolution for Fiscal Year 1999-2000

Staff report submitted by Acting Personnel Director Lang-Collins, dated July 6, 1999, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-117, "Resolution Designating Positions of Employment in the City Government of the City of Hayward; Providing for their Number and Salary Range; and Superseding Resolution No. 98-135 and All Amendments Thereto"

5. Donation of Project Legacy Funds to the Weekes Branch Library Expansion Project

Staff report submitted by Library Director Baker-Madsen, dated

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July 6, 1999, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-118, "Resolution Authorizing the City Manager to Execute an Agreement with Friends of the Hayward Public Library to Expand and Renovate the Weekes Branch Library"

HEARINGS

6. Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Conduct a Public Hearing, Approve the Engineer's Report, and Order the Levy of Assessments for Fiscal Year 1999-00 (Continue to July 20, 1999)

Staff report submitted by Development Services Engineer Anastas, for July 6, 1999, was filed.

Development Services Engineer Anastas made the staff presentation and responded to questions.

With no requests to speak, Mayor Cooper opened and closed the public hearing at 8:38 p.m.

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and unanimously carried by all present, to continue this public hearing to July 20, 1999.

7. Consolidated Landscaping and Lighting District No. 96-1 (Zones 1-6)- Approve the Engineer's Report and Order the Levy of Assessments for Fiscal Year 1999-00

Staff report submitted by Development Services Engineer Anastas, for July 6, 1999, was filed.

Development Services Engineer Anastas made the staff presentation and responded to questions. Council Member Dowling indicated that he met with some of the property owners and was glad to hear that staff is working to utilize the best contractors to maintain the district.

With no requests to speak, Mayor Cooper opened and closed the public hearing at 8:51 p.m.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried by all present, to approve the following:

Resolution 99-119, "A Resolution Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year



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1999-2000 for Zones 1 Through 6 of the Consolidated
Landscaping and Lighting Assessment District No. 96-1"

8. Appeal of Planning Commission's Denial of Use Permit Application No. 99-160-04; Variance Application No. 99-180-03 Refusal to Endorse On-Sale of Alcoholic Beverages of a Bona Fide Restaurant and Off-Sale of Alcoholic Beverages at a Market - Jorge L. Gonzalez for El Tapatio Carniceria and Taqueria (Applicant/Appellant), Dorothy Levin and Arthur Zemel Trustees et. al. (Owners) - Project location is 603 "A" Street

Staff report submitted by Associate Planner Camire, for July 6, 1999, was filed.

Developmental Services Administrator Anderly made the staff presentation. She explained that if Council were to grant the appeal they would have to establish findings for the public convenience and necessity, because this area is already considered over-saturated. She reminded members that they were reviewing the off-sale license only. She noted that a representative of the Police Department and the State ABC were available for questions.

Lieutenant Fred Hoover with the Hayward Police Department presented the crime statistics for the general area.

Council Member Henson asked why there is an over-concentration of retail liquor establishments in this area. He was told that the finding of over-concentration has been in effect for only the past few years. In response to Council Member Henson's questions regarding a letter from the appellant's attorney, Jason Robman, Mike Nadon, an administrator from the Oakland ABC district office, provided historical information on the saturation rule's effectiveness. He also handed out information to the Council. He explained that many of the licenses in the City have been in effect for over 50 years.

Council Member Jimenez asked for a brief review of the City regulation and what establishments were rejected under the regulation.

Developmental Services Administrator Anderly explained that retired Captain Power worked with Compre on the regulations and the majority of those who are rejected do not come to Council. She recalled the recent rejection of the Korean market on Foothill and Russell Way.

Council Member Dowling asked if staff has addressed the window display signs on the building at A Street, and the limit of 25 percent window coverage.

Developmental Services Administrator Anderly explained that the City has determined that storage of goods in front of the windows is not covered by the sign ordinance.

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Council Member Rodriquez asked that, in the future, information such as that received from the ABC be provided in advance in order to fully understand the issues. She also asked Lt. Hoover to explain his involvement in the process and the confusion caused to the applicant. He indicated that he had not done the research to give the applicant an okay and could not do so at his first meeting with the applicant.

Council Member Hilson asked for further information from the ABC regarding the statistical information provided. The concept of public convenience and necessity was discussed in relation to the census tract. Variations and restrictions may be imposed, such as requiring food to be at least 51 percent of the total sales for the establishment.

Mayor Cooper opened the public hearing at 9:27 p.m.

Marty Stenrud, CRIL, 671 West A Street, #124, asked Council to uphold the denial of the Planning Commission and explained that CRIL is on A Street, about two blocks away from the restaurant. It would not be safe nor improve the neighborhood. He urged that Council uphold the ordinance and deny the application.

The following individuals spoke in support of the appellant:

Jason Moreno, 25200 Carlos Bee Boulevard

Lavaro Jackson, Western Boulevard

Jason Robman, attorney, on behalf of El Tapitio.

Jorge Gonzalez, 512 Smalley Avenue

The following individuals spoke in opposition:

George Vasquez, 199 Posada Del Sol, #29, Novato

Keisha Tyler, 460 28th Street, #104, Oakland

Maureen Bessette, 24881 Yoshida Drive

John Mallory, 389 Meek Avenue

Majorie Erickson, 643 Atherton

Council Member Ward asked Mr. Gonzales if it was his original intention to sell beer and wine for off-sale consumption. He responded that this was his intent with his original application. He then outlined the application process he followed through the City departments and the ABC.

Council Member Ward moved for denial of the appeal and pointed out that Council has a policy of supporting small businesses and cultural ethnicity.

Council Member Rodriquez said she was disappointed that the issue went so far afield from the issue. She said she hoped the business would thrive in this area with the continued revitalization of the downtown area but could not support the appeal.

Council Member Henson agreed with Council Member Rodriquez and said he could not support the appeal but hoped the business would continue.



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Mayor Cooper closed the public hearing at 10:03 p.m.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried by all present, to approve the following:

Resolution 99-120, "Resolution Denying Applicant's Appeal of Use Permit Application No. 99-180-03 of Jorge L. Gonzalez (Applicant/Appellant), and Dorothy Levin and Arthur Zemel Trustees, et.al. (Owner)"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned at 10:11 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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